

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THE NEW YORK TIMES COMPANY

Plaintiff,

v.

MICROSOFT CORPORATION, OPENAI, INC.,
OPENAI LP, OPENAI GP, LLC, OPENAI, LLC,
OPENAI OPCO LLC, OPENAI GLOBAL LLC,
OAI CORPORATION, LLC, and OPENAI
HOLDINGS, LLC,

Defendants.

Civil Action No. 1:23-cv-11195-SHS

**STIPULATION AND
[PROPOSED] ORDER
REGARDING LEAVE TO FILE
SECOND AMENDED
COMPLAINT**

This stipulation is entered into between Plaintiff The New York Times Company (“The Times”) and Defendants OpenAI and Microsoft Corporation, collectively referred to as the “Parties.”

WHEREAS, Defendants filed their motions to dismiss The Times’s First Amended Complaint, Dkts. No. 51, 64;

WHEREAS, the Court issued an opinion granting in part and denying in part Defendants’ motions to dismiss The Times’s First Amended Complaint, Dkt. 514;

WHEREAS, The Times filed its Motion for Leave to File Second Amended Complaint on April 15, 2025, in which it solely amended its 17 U.S.C. § 1202(b)(1) claim against OpenAI to mirror the *Daily News* and *CIR* complaints’ “allegations regarding OpenAI’s removal of CMI during the process of developing its LLM training datasets”—in light of the Court’s order on Defendants’ motion to dismiss, Dkt. 524;

WHEREAS, Defendants do not oppose The Times's Motion for Leave to File Second Amended Complaint;

NOW THEREFORE, the Parties stipulate that, upon the Court's approval of the stipulation:

- 1) The Times's Motion for Leave to File Second Amended Complaint is hereby GRANTED.
- 2) The Times's request that its Exhibits at ECF Nos. 170–202 are incorporated by reference into its Second Amended Complaint is hereby GRANTED.

Dated: May 27, 2025

/s/ Ian Crosby
Ian Crosby (*pro hac vice*)
Genevieve Vose Wallace (*pro hac vice*)
Katherine M. Peaslee (*pro hac vice*)
SUSMAN GODFREY L.L.P.
401 Union Street, Suite 3000
Seattle, WA 98101
Telephone: (206) 516-3880
Facsimile: (206) 516-3883
icrosby@susmangodfrey.com
gwallace@susmangodfrey.com
kpeaslee@susmangodfrey.com

Davida Brook (*pro hac vice*)
Emily K. Cronin (*pro hac vice*)
Adnan Muttalib (*pro hac vice*)
SUSMAN GODFREY L.L.P.
1900 Ave of the Stars, Suite 1400
Los Angeles, CA 90067
Telephone: (310) 789-3100
Facsimile: (310) 789-3150
dbrook@susmangodfrey.com
ecronin@susmangodfrey.com
edupler@susmangodfrey.com

Elisha Barron (5036850)
Zachary B. Savage (ZS2668)
Tamar Lusztig (5125174)
Alexander Frawley (5564539)
Eudokia Spanos (5021381)
SUSMAN GODFREY L.L.P.

One Manhattan West
New York, NY 10001
Telephone: (212) 336-8330
Facsimile: (212) 336-8340
ebarron@susmangodfrey.com
zsavage@susmangodfrey.com
tlusztig@susmangodfrey.com
afrawley@susmangodfrey.com
espanos@susmangodfrey.com

Scarlett Collins (4985602)
SUSMAN GODFREY L.L.P.
1000 Louisiana, Suite 5100
Houston, TX 77002
Telephone: (713) 651-9366
Facsimile: (713) 654-6666
scollins@susmangodfrey.com

Steven Lieberman (SL8687)
Jennifer B. Maisel (5096995)
Kristen J. Logan (*pro hac vice*)
ROTHWELL, FIGG, ERNST & MANBECK, P.C.
901 New York Avenue, N.W., Suite 900 East
Washington, DC 20001
Telephone: (202) 783-6040
Facsimile: (202) 783-6031
slieberman@rothwellfigg.com
jmaisel@rothwellfigg.com
klogan@rothwellfigg.com

Attorneys for Plaintiff
The New York Times Company

Dated: May 27, 2025

KEKER, VAN NEST & PETERS LLP

By: /s/ Sarah Salomon

Sarah Salomon

ssalomon@keker.com

633 Battery Street

San Francisco, California 94111-1809

Telephone: 415.391.5400

Facsimile: 415.397.7188

Attorneys for Defendants

OPENAI, INC., OPENAI LP, OPENAI GP,
LLC, OPENAI, LLC, OPENAI OPCO LLC,
OPENAI GLOBAL LLC, OAI
CORPORATION, LLC, and OPENAI
HOLDINGS, LLC

[PROPOSED] ORDER

Pursuant to stipulation of the parties, the Court hereby **ORDERS**:

1. The Times's Motion for Leave to File Second Amended Complaint is hereby GRANTED. The Second Amended Complaint filed at Dkt. 524-4 shall be deemed filed as of the date of this Order.

2. The Times's request that its Exhibits at ECF Nos. 170–202 are incorporated by reference into its Second Amended Complaint is hereby GRANTED.

IT IS SO ORDERED.

DATED: _____, 2025

Hon. Sidney H. Stein
United States District Judge